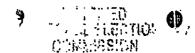
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Commission.



1 BEFORE THE FEDERAL ELECTION COMMISSION 越票16 23 9 15 2 3 **ENFORCEMENT PRIORITY SYSTEM** 4 DISMISSAL REPORT 5 MUR: 6904 Respondents: Cat Ping for Congress 6 Catherine L. Ping as 7 Complaint Receipt Date: November 7, 2014 Response Date: December 17, 2014 (Committee) 8 treasurer (collectively the "Committee"), and 9 Concerned 7th District 10 Neighbors ("CDN")² 11 12 13 **EPS Rating:** 14 Alleged Statutory/ 15 52 U.S.C. § 30102(i) Regulatory Violations 52 U.S.C. § 30120(a) 16 11 C.F.R. § 109.10 17 11 C.F.R. § 110.11(c) 18 19 20 The Complaint alleges that the Committee's website violated the Federal Election 21 Campaign Act of 1971, as amended, and Commission regulations by using the name "Cat Ping 22 for Congress 2014" in its disclaimer, when the Committee's actual name was "Cat Ping for 23 Congress." The Complainant also states that the Committee's website disclaimer was not 24 included within a printed box, and that the solicitation page on the Committee's website lacked 25 26 the requisite "best efforts" language. The Complainant observes that CDN ran a newspaper 27 advertisement that expressly advocated for Ping's election, but failed to indicate whether Ping had authorized it. The Complainant suggests that if the advertisement cost more than \$250, and 28 it was not approved by Ping, CDN should have filed an independent expenditure report with the 29

In 2014, Ping was an unsuccessful candidate for Congress from Indiana's 7th Congressional District.

We were unable to find contact information for CDN; therefore, we were unable to notify this Respondent.

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The Committee maintains that the disclaimer on its website did not mislead the public.

- 2 It claims that it was not required to display the disclaimer within a printed box because that
- 3 requirement applies only to printed communications. See 11 C.F.R. § 110.11(c)(2)(ii).
- 4 Furthermore, the Committee notes that it was not required to display its disclaimer on every
- 5 page of its website. Regarding the "best efforts" allegation, the Committee claims that the
- 6 complainant failed to set forth any contribution for which the requisite identifying information
- 7 was not disclosed. Finally, the Committee denies that it had any prior knowledge of CDN's
- 8 advertisement and did not authorize it.³

The Committee's website appears to include sufficient information as to the identity of the party who paid for it.⁴ Thus, it is unlikely that the public was misled by the slight variation of the Committee's official name.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings.

These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given

According to the Committee, it contacted the *Franklin Township Informer*, in which the pro-Ping CDN advertisement appeared, and was quoted a price of \$60, which is well under the "over \$250" threshold required for filing an independent expenditure report.

The Commission has concluded that internet pages do not constitute "printed communications;" therefore, the additional disclaimer requirements for printed disclaimers, including the "printed box" requirement, do not apply to campaign websites. See Statement of Reasons, Comm'rs. Weintraub, Walther, Lenhard, Mason, Toner and von Spakovsky at 4, MUR 5526 (Graf for Congress); see also MUR 6591 (Friends of Tom Stilson).

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- that low rating and the other circumstances presented, including the apparent small amounts at
- 2 issue, we recommend that the Commission dismiss the allegations consistent with the
- 3 Commission's prosecutorial discretion to determine the proper ordering of its priorities and use
- 4 of agency resources. Heckler v. Chaney, 470 U.S. 821, 831-32 (1985). We also recommend
- 5 that the Commission close the file as to all respondents and send the appropriate letters.

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|----------------------------------------------|-----------------|-----|--------------------------------------------------------------------------|
| 7 8 9 | | · | Daniel A. Petalas Acting General Counsel |
| 10 11 12 13 14 | | | Kathleen M. Guith Acting Associate General Counsel for Enforcement |
| 15 16 17 18 19 20 21 | 6:15.16 Date | BY: | Stephen Gura Deputy Associate General Counsel Enforcement |
| 22 23 24 25 26 27 28 29 | | | Jeff S. Jordan Assistant General Counsel Complaints Examination |
| 30 31 32 33 34 35 36 | | | & Legal Administration Ruth Heilizer Attorney |

Complaints Examination

& Legal Administration